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Letter dated 17 October 2008 from the Permanent Representative of Cambodia to the United Nations addressed to the President of the Security Council

With reference to my letter dated 15 October 2008 (S/2008/653) concerning the armed incident between Thai and Cambodian troops within Cambodia's territory, I have the honour to transmit herewith a statement by the Spokesman of the Ministry of Foreign Affairs and International Cooperation of the Kingdom of Cambodia (see annex) on the unilateral demining activity by Thai soldiers in Cambodia's territory, which flagrantly contravenes international law and agreements between the two countries.

I should be grateful if you could circulate the present letter and its annex as a document of the Security Council.

(*Signed*) **Sea** Kosal
Ambassador
Permanent Representative of the Kingdom of Cambodia
to the United Nations

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Annex to the letter dated 17 October 2008 from the Permanent Representative of Cambodia to the United Nations addressed to the President of the Security Council

Statement by the Spokesman of the Ministry of Foreign Affairs and International Cooperation

In reference to the statement of the spokesman of the Ministry of Foreign Affairs of Thailand contained in the press release No. 506/2008 dated 14 October, which refers to Thailand's obligations to undertake the so-called "demining efforts in the area adjacent to the Temple of Preah Vihear" and the "investigations to verify whether the landmines in the area are old mines or recently deployed ...", in Cambodia's territory.

1. The unilateral demining activity by Thai soldiers in Cambodia's territory flagrantly contravenes the agreement made by both sides as stipulated in the following documents:

- The agreed minutes of the fourth meeting of the Cambodian-Thai Joint Commission for Bilateral Cooperation (JC) in 2002, point 72, which states that "both sides agreed to encourage close cooperation between the Cambodian Mines Action and Victim Assistance Authority (CMAA) and the Thai Mines Action Centre (TMAC) in order to set out coordination plan for demining operations in the border areas ...".
- The agreed minutes of the fifth meeting of the Cambodian-Thai Joint Commission for Bilateral Cooperation (JC) in 2006, point 71, which states that "... the two sides are prepared to set up a technical working group to discuss this matter as well as to determine priority areas for demining operations ...".
- The above principles were confirmed in the working papers made during the Cambodian-Thai Foreign Minister's meetings on 28 July 2008 in Cambodia and on 19 August 2008 in Thailand, which read "demining in a concerted manner the area to be surveyed and demarcated by JBC in accordance with the memorandum of understanding of 2000" and "determination to be made by JBC of the area to be cleared for the survey and demarcation work ...".

2. Moreover, for this Thai alleged reason of unilaterally "demining the areas which are to be surveyed and demarcated by the Cambodian-Thai Joint Commission on Demarcation for Land Boundary (JBC)", Thai forces were in effect occupying areas which are clearly situated within Cambodia's territory as demarcated by the relevant maps repeatedly endorsed by the two countries and recognized by the International Court of Justice as the basis for its judgment concerning the Temple of Preah Vihear in 1962.

3. Cambodia strongly reaffirms the fact that landmines in this border area are remnants of almost three decades of war. Even though mine explosion incidents are decreasing, Cambodian population living in the area still continue to suffer from mine accidents until today. It is quite apparent that Thai soldiers must have stepped on one of those mines after having trespassed into this mine-infested area near the border.

4. As one of the most severely affected victims of landmines, Cambodia was the first country to adopt, on 28 April 1999, national legislation to ban the use of anti-personnel landmines. On the other hand, Cambodia was actively engaged in the formulation and strict implementation of the Anti-personnel Mine Ban Convention, signed in Ottawa on 3 December 1997.

5. It should be noted that, nowadays, Cambodia has no stock of mines. Even before the national legislation to ban landmines was passed, Cambodia had already begun its efforts to destroy landmines in 1992. Since then it has destroyed around 800,000 anti-personnel landmines. Cambodia has also offered to share its experience and expertise in demining victims of mines, such as the Sudan.

Phnom Penh, 16 October 2008